

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 RONALD J. ALLISON,

Case No. 2:21-cv-01401-RFB-EJY

4 Plaintiff,

5 v.

6 EMPLOYEES OF STEIN HOSPITAL,

7 Defendant.

8

9 ORDER

10 On July 27, 2021, Plaintiff, an inmate in the custody of Stein Forensics Unit, submitted a
11 civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. However, Plaintiff's submission does
12 not comply with Local Special Rule 2-1.

13 A. **Plaintiff's Initiating Document.**

14 The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special
15 Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not
16 represented by an attorney must be submitted on the form provided by the court or must be legible
17 and contain substantially all the information called for by the court's form. Plaintiff's complaint
does neither.

18 To the extent Plaintiff seeks to certify a potential class of persons who were subjected to the
19 same practices alleged in his Complaint, Plaintiff may not do so. Pro se plaintiffs may only represent
20 themselves; they are prohibited from pursuing claims on behalf of others in a representative capacity.
21 *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (collecting cases and noting that
22 courts routinely prohibit pro se plaintiffs from representing others); *Russell v. United States*, 308
23 F.2d 78, 79 (9th Cir. 1962) ("A litigant appearing [pro se] has no authority to represent anyone other
24 than himself"). Thus, to the extent Plaintiff seeks relief on behalf of a class of similarly situated
25 persons, he cannot do so. **Thus, any amendment to Plaintiff's Complaint must remove requests**
26 **for relief on behalf of others.**

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1 **B. There is No Application to Proceed *in Forma Pauperis*.**

2 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
3 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
4 without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit
5 all three of the following documents to the Court:

6 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, on this Court's
7 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
8 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail official
9 (i.e. page 4 of this Court's approved form), and
10 (3) a copy of the **inmate's facility or jail trust fund account statement for the previous**
11 **six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff
12 must still submit an inmate account statement for the dates he has been present at the facility.

13 **II. ORDER**

14 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall send to Plaintiff
15 the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original
16 document at ECF No. 1-1.

17 IT IS FURTHER ORDERD that Plaintiff shall have until on or before **May 9, 2022** to submit
18 a complaint to the Court in compliance with LSR 2-1. Plaintiff is reminded that **any amendment**
19 **to Plaintiff's Complaint must remove requests for relief on behalf of others.**

20 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
21 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **May 9, 2022**, Plaintiff shall either pay the
24 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)
25 or file with the Court:

1 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this Court's
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
3 3),
4 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail official
5 (i.e. page 4 of this Court's approved form), and
6 (3) a copy of the **inmate's facility or jail trust fund account statement for the previous**
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance with
9 LSR 2-1 and a complete application to proceed *in forma pauperis* with all three documents or pay
10 the \$402 filing fee for a civil action on or before **May 9, 2022**, the Court will recommend dismissal
11 of this case **without prejudice** for Plaintiff to refile the case with the Court, under a new case
12 number, when Plaintiff is able to file a complaint in compliance with LSR 2-1, has all three
13 documents needed to file a complete application to proceed *in forma pauperis* or pays the \$402 filing
14 fee.

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16 DATED this 9th day of March, 2022.

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ELAYNA J. YOUCRAH
UNITED STATES MAGISTRATE JUDGE

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